

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29903 of 2012

Arising Out of Complaint Case No. -2001-C Year- 2011 District- West Champaran, Bettiah

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1. Azim Mian S/O Thag Mian Resident of Village Sathi, P.S. Sathi, District West Champaran.
 2. Qyum Mian S/O Thag Mian Resident of Village Sathi, P.S. Sathi, District West Champaran.
 3. Firoz Mian S/O Azim Mian Resident of Village Sathi, P.S. Sathi, District West Champaran.
 4. Munna Mian S/O Reyajul Mian Resident of Village Sathi, P.S. Sathi, District West Champaran.
 5. Thag Mian S/O Woli Mian Resident of Village Sathi, P.S. Sathi, District West Champaran.
 6. Kamil Mian S/O Razak Mian, Resident of Village Bahuarwa, P.S. Sathi, District West Champaran.
- **Petitioners**

Versus

1. State Of Bihar.
 2. Khurshid Alam S/O Majid Mian Resident of Village Goithahi, P.S. Matiariya, District West Champaran.
- **Opposite Parties**

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 07-04-2015

The petitioners seek quashing of the order of cognizance dated 26.03.2012 passed by the Judicial Magistrate 1st Class, Bettiah, West Champaran in Complaint Case No. 2001-C of 2011.

The case of the complainant is that the son of the complainant had gone to the court of Principal Judge to file Matrimonial Case against his wife i.e. the daughter of Petitioner no. 1 but it could not be filed on 24.08.2011. While he was coming from home, he was assaulted by the accused persons and kidnapped.

It has been submitted on behalf of the petitioners that



fact of the matter is that daughter of the Petitioner no. 1 had been married to the brother of the complainant but she was tortured so Zarina Khatoon filed Complaint Case No. 1827-C of 2011 dated 05.08.2011 and on 20.08.2011 she also filed Maintenance Case No. 228 M of 2011 before the court of Principal Judge, Family Court, Bettiah. It is thereafter that the present complaint was filed on 25.08.2011 in order to protect Parvej Alam from the vagaries of prosecution launched by the daughter of petitioner no. 1.

The complaint is evidently false inasmuch as even though it has been stated that the brother of the complainant was kidnapped on 24.08.2011 but on the very same day, in fact, he had filed the Matrimonial Case contrary to what has been stated in the complaint. There is documentary proof in this regard.

On the other hand, the counsel for the complainant submits that his brother had been kidnapped by the accused persons in order to sort out the matrimonial dispute between the daughter of the Petitioner no. 1 and his brother, so they should be prosecuted.

Having considered the background facts of the case, I would be inclined to hold that the present complaint is not only false but also malicious in nature and hence deserves to be set aside.

The application stands allowed and the proceeding including order of cognizance dated 26.03.2012 passed by the Judicial

Magistrate 1st Class, Bettiah, West Champaran in Complaint Case No.
2001-C of 2011 is quashed.

(Anjana Prakash, J.)

Vats/-

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